

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

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RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 333 be amended to read as follows:

- 1 Page 52, between lines 10 and 11, begin a new paragraph and
- 2 insert:
- 3 “SECTION 75. IC 34-30-5.5 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2006]:
- 6 **Chapter 5.5 Charities: Limited Liability for Small Charitable**
- 7 **Organizations**
- 8 **Sec. 1. This chapter applies only to a claim or suit in tort**
- 9 **brought against a small charitable organization.**
- 10 **Sec. 2. This chapter does not apply to the following:**
- 11 **(1) An act or omission concerning the provision of health**
- 12 **care services by a health care provider (as defined in IC 34-**
- 13 **17-2-14).**
- 14 **(2) An act or omission that constitutes gross negligence or**
- 15 **willful or wanton misconduct.**
- 16 **(3) An act or omission that occurs in connection with the**
- 17 **negligent operation of a motor vehicle (as defined in IC 9-13-**
- 18 **2-105(a)).**
- 19 **Sec. 3. As used in this chapter “small charitable organization”**
- 20 **means an organization:**
- 21 **(1) with total annual revenue of five hundred thousand**
- 22 **dollars (\$500,000) or less;**
- 23 **(2) that is tax exempt under Section 501(c) 3 of the Internal**
- 24 **Revenue Code; and**
- 25 **(3) that is at least one (1) of the following:**

1 **(A) A community mental retardation and other**
2 **developmental disabilities center (as defined in IC 12-29-**
3 **3-6).**
4 **(B) A rehabilitation center (as described in IC 12-12-3).**
5 **(C) A faith based organization.**
6 **(D) An organization that has one (1) or more of the**
7 **following purposes:**
8 **(i) The relief of poverty.**
9 **(ii) The advancement of education or religion.**
10 **(iii) The promotion of health.**
11 **(iv) The support of a governmental purpose.**
12 **(v) The support or improvement of a park,**
13 **neighborhood, or local community.**
14 **Sec. 4. (a) The combined aggregate liability of a small**
15 **charitable organization under this chapter does not exceed the**
16 **liability limits described in IC 34-13-3-4.**
17 **(b) A small charitable organization is not liable for punitive**
18 **damages.”.**
19 Renumber all SECTIONS consecutively.
20 (Reference is to ESB 333 as printed February 24, 2006.)

Representative WHETSTONE